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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,348	08/28/2003	Daniel Ray Downing	DN2001124D01	6674

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EXAMINER

GOODMAN, CHARLES

ART UNIT	PAPER NUMBER
3724	

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,348

Applicant(s)

DOWNING, DANIEL RAY

Examiner

Charles Goodman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/28/04.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Preliminary Amendment filed August 28, 2003 has been entered.

Claim Objections

2. Claim 1 is objected to because of the following informalities: (claim 1, l. 6) it appears that the phrase "on ultrasonic" should read -- an ultrasonic --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-3 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bell et al or Bell et al in view of Benzing II et al.

Bell et al discloses a method of cutting stock material comprising all the method steps claimed including, inter alia, cutting the segment at a skive angle α . Note Figs. 6-7. Although Bell et al is silent as to the stock material being cord reinforced, it is the Examiner's opinion that the teachings of Bell et al encompasses cord reinforced ply material as a typical tire material known in the art of tire making for cutting to be spliced. However, if it is argued that Bell et al lacks the cord reinforced elastomeric strip as claimed, then Benzing II et al clearly teaches a method of cutting cord reinforced elastomeric strip material (10A) wherein during cutting, the cutter (120) impacts the cord at an angle α . Note Figs. 3A-D and 6. Benzing II et al at least teaches and suggests that angled cutting of cord reinforced material is known and obvious in the art. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the method of Bell et al with the cutting of cord reinforced elastomeric material as taught and suggested by Benzing II et al for the reasons stated *supra*.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al or Bell et al in view of Benzing II et al in view of Sergel et al.

Bell et al or Bell et al in view of Benzing II et al discloses the invention substantially as claimed that it appears Bell et al lacks the step of supporting (e.g. at 10 in Fig. 2) having the θ_1 and θ_2 angles as claimed. However, Sergel et al teaches a step of supporting the material wherein a means for supporting (e.g. 7, 8) having a first supporting surface is disposed at an θ_1 greater than the skive angle (formed by blade 12

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- the first surface below 12) and a second surface is oriented at an angle θ_2 greater than or equal to the skive angle for the suggestive purpose of allowing for easy separation between the cut parts of the work. See also c. 3, ll. 42-65. Thus, it would have been obvious to the ordinary artisan at the time of the instant invention to provide the method of Bell et al or Bell et al in view of Benzing II et al with step of supporting having the support surfaces and angles as taught and suggested by Sergel et al in order to facilitate easy separation of cut parts.

Allowable Subject Matter

7. Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Becker et al, Manabe et al, Mochel et al, Sicka et al, and Pilkington are cited as pertinent art.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Goodman whose telephone number is (703) 308-0501. The examiner can normally be reached on Monday-Thursday between 7:30 AM to 6:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap, can be reached on (703) 308-1082.

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In lieu of mailing, it is encouraged that all formal responses be faxed to (703) 872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-1148.

cg

June 14, 2004



Charles Goodman
Primary Examiner
AU 3724

CHARLES GOODMAN
PRIMARY EXAMINER